

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TYCO HEALTHCARE GROUP LP

Plaintiff,

v.

MEDICAL PRODUCTS, INC.

Defendant.

Civil Action No. 1:04-cv-11524-DPW

AFFIDAVIT OF MICHAEL B. GALVIN

I, Michael B. Galvin, being duly sworn, hereby state:

1. I am an attorney admitted to practice in the Commonwealth of Massachusetts and the U.S. District Court for the District of Massachusetts. I am an associate attorney at the law firm of Dwyer & Collora, LLP in Boston, MA. Michael A. Collora and I have been retained as legal counsel to Defendant Medical Products, Inc. ("MPI") in the above-captioned case.

2. During our representation of MPI, Mr. Collora and I have spoken by telephone with Eddie McCafferty, its founder, sole-owner and President, and other MPI employees. We have also reviewed documents provided by Mr. McCafferty and others. Based on those initial discussions and our preliminary review of those materials, we currently anticipate calling at least the following people as witnesses at trial:

- Mr. McCafferty, who lives and works in Ripley. We expect he will testify about MPI's business, its various purchasing relationships, the terms of MPI's direct purchasing arrangement with the Plaintiff, MPI's purchases under that arrangement and his attempts to resolve the dispute without resort to litigation.
- Jody Steverson, MPI's Operations Manager, who lives and works in Ripley and attended MPI's initial meetings with Mr. Cotton. We expect Mr.

Steverson will testify about what happened at those meetings and what information Mr. Cotton instructed MPI to put on the rebate claim forms.

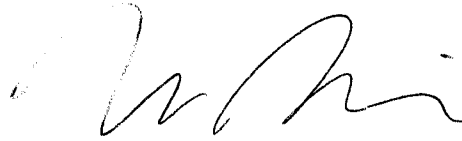
- Christy Vandegriff, MPI's Purchasing Manager, who works in Ripley and lives in that area and submitted most, if not all, of the rebate claim forms involved in this case. We expect she will testify about the instructions she received about the information reflected on those forms.
- Robbie Hayes, an MPI sales representative, who works in Ripley and lives in nearby Tupulo, MS. We expect he will testify about the instructions he received with respect to the information contained on the rebate claim forms and conversations he had with Mr. Cotton.
- David Gaffney, the Plaintiff's sales representative, who, on information and belief, works for the Plaintiff in Jackson, MS, and who initially approached MPI about a direct purchasing arrangement, assigned Mr. Cotton to MPI's account and oversaw that account.
- Rob Cotton, a Kendall sales representative, who, on information and belief, works for the Plaintiff in Memphis, Tennessee and informed MPI personnel about the terms of the 2001 direct purchase arrangement and how to fill out the rebate claim form.
- Hailey Moffitt, a former MPI Accounts Receivable Manager, who lives in the Ripley area. We expect she will testify about the terms of the rebate claim and MPI's submission of rebate claims to the Plaintiff.

3. Litigating this case in Massachusetts would be significantly more time consuming and expensive for MPI than litigating it in the North District of Mississippi. Among other things, litigating the case here would require MPI to pay for Michael Collora and/or me to travel to Ripley, Mississippi at least once (and probably multiple times) to review documents, discuss the case with fact witnesses, to prepare for and to take depositions, a process that will cost MPI tens of thousands of dollars.

4. Although it is difficult to estimate the length of a trial at this early stage of the proceedings, we believe, based on what we know at this point, that it will likely take over a week to try this case. To prepare witnesses to testify at trial and have them available at the appropriate

time in the trial, I would request that all of the witnesses come to Boston several days before the trial began and stay in Boston until after their trial testimony was completed.

SIGNED UNDER THE PENALTIES OF PERJURY, this 1st day of September, 2004.

A handwritten signature in black ink, appearing to read 'M. B. Galvin', written over a horizontal line.

Michael B. Galvin